

¹ Plaintiff currently is incarcerated at the California Institution for Women (“CIW”).

1 seeks additional discovery from, as well as sanctions against, the Contra Costa County
2 Sheriff's Office.² The motion will be denied for two reasons.

3 First, as stated in the Court's order of February 8, 2013 (Dkt. No. 244), until plaintiff
4 files her opposition to defendants' motion for summary judgment, plaintiff may not file any
5 further motions without first obtaining leave of court. Plaintiff has failed to request leave to
6 file the instant motion.


7 Second, as noted above, this case has been re-opened for more than 16 months, and
8 defendants' motion for summary judgment has been pending for more than 13 months.
9 Indeed, discovery in this action first became available as early as April 30, 2009, when the
10 Court issued its initial order of service. (See Dkt. No. 17 at 7 (expressly informing parties
11 they could begin to take discovery).) Under such circumstances, plaintiff has had ample time
12 to conduct and complete any discovery necessary to oppose summary judgment. Moreover, a
13 review of the docket shows plaintiff has already filed several discovery motions, all of which
14 have been resolved by this Court as well as by Magistrate Judge Joseph C. Spero in a timely
15 manner, and plaintiff has not endeavored to show why she needs additional discovery prior to
16 filing her opposition, let alone met the requirements of Rule 56(d) of the Federal Rules of
17 Civil Procedure.

18 Accordingly, for the foregoing reasons, plaintiff's motion to compel and for sanctions
19 is hereby DENIED without prejudice to refile once the Court has ruled on defendants'
20 motion for summary judgment.

21 This order terminates Docket Nos. 246 and 249.

22 IT IS SO ORDERED.

23 DATED: February 19, 2013

24 
MAXINE M. CHESNEY
25 United States District Judge
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27

28 ² The Amended Motion supercedes plaintiff's Motion to Compel Disclosure, filed February 11, 2013.